

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ARCHER AND WHITE SALES, INC.,

Plaintiff,

V.

HENRY SCHEIN, INC., DANAHER CORPORATION, INSTRUMENTARIUM DENTAL INC., DENTAL EQUIPMENT LLC, KAVO DENTAL TECHNOLOGIES, LLC, DENTAL IMAGING TECHNOLOGIES, CORPORATION, PATTERSON COMPANIES, INC., BENCO DENTAL SUPPLY CO.,

Defendants.

CIVIL ACTION NO. 2:12-CV-00572-JRG

ORDER


The Court issues this Order *sua sponte*. The Court held a pretrial conference in the above-captioned case on January 22, 2020 and January 24, 2020. (See Dkt. Nos. 510, 513). During the course of the pretrial conference, the case was stayed by the United States Supreme Court to permit the filing and disposition of a petition for a writ of certiorari. (Dkt. No. 511; Dkt. No. 513 at 135:15–136:6). On July 8, 2020, the United States Supreme Court granted the petition for a writ of certiorari. (*See* Dkt. No. 525). On January 25, 2021, the writ of certiorari was dismissed as improvidently granted. (*See* Dkt. No. 527).

The Supreme Court’s Order staying the case provided that “[I]n the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of [the Supreme Court].” (Dkt. No. 511). In light of the Supreme Court’s dismissal of the writ of certiorari, this Court **ACKNOWLEDGES** that the stay has been lifted.

After the Supreme Court's Order dismissing the writ of certiorari, this Court held a status conference with counsel on February 26, 2021. There are remaining exhibit disputes for pretrial disposition, and it is therefore **ORDERED** that the Court will conduct a final pretrial conference to take up such exhibit disputes at **9:00 a.m. on Monday, March 29, 2021** in Marshall, Texas. The parties shall meet and confer regarding exhibit disputes promptly upon receipt of this Order and shall as a part thereof endeavor to resolve all exhibit disputes. As to such disputes which remain unresolved despite diligent efforts to resolve the same, the parties shall file a Joint Notice of Exhibit Disputes, at least 72 hours in advance of the pretrial conference set on March 29, 2021. As a part of such Notice, the parties shall categorize such outstanding exhibit disputes into groups or "buckets" where an exemplar exhibit can be argued to the Court and the Court's guidance will resolve the remainder of the exhibits within such bucket.

It is further **ORDERED** that the above-captioned case is specially set for trial, with jury selection to begin at **9:00 a.m. on Tuesday, June 1, 2021** in Marshall, Texas.

So ORDERED and SIGNED this 12th day of March, 2021.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE